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ATTORNEYS FOR:
Marc Antoine Gagnon and Meggie Roy

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SARAH GAGAN, an individual, CLAIRE GAGAN, an individual, HALO'S HEART, LLC, a California Limited Liability Company

Plaintiff,

V.

MARC ANTOINE GAGNON, an individual,
MEGGIE ROY, an individual, MARIEVE
SIMARD, an individual, ALAIN POIRIER, an
individual, and DOES 1-280, inclusive,

Defendants.

Case No.: 5:22-cv-00680-JWH-SP
Hon. John W. Holcomb
**DEFENDANTS MARC ANTOINE
GAGNON AND MEGGIE ROY'S
NOTICE OF MOTION AND
MOTION TO DISMISS
PLAINTIFFS' COMPLAINT FOR
FAILURE TO COMPLY WITH
FED.R.CIV.P. RULE 9(b)**
Hearing (Motion to Dismiss):
Date: July 8, 2022
Time: 9:00 a.m.
Ctrm: 9D, Ronald Reagan
Federal Building and
U.S. Courthouse

*[Memorandum of Points and
Authorities and (Proposed) Order
served concurrently herewith]*

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on July 8, 2022, at 9:00 a.m., or as soon thereafter as the matter can be heard, in courtroom 9D, of the above entitled Court, located at 411 West Fourth Street, Santa Ana, California 92701, Defendants Marc

1 Antoine Gagnon and Meggie Roy (“Defendants”) will move this Court, pursuant to
2 Federal Rule of Civil Procedure (“FRCP”) 9(b), to dismiss the Complaint of
3 Plaintiffs as each cause of action fails to comply with the heightened pleading
4 requirements of FRCP 9(b) relating to fraud claims.

5 This motion is made following the conference of counsel pursuant to L.R. 7-3
6 which took place on June 1, 2022.

7 Defendants’ Motion is based upon this Notice of Motion and Motion, the
8 Memorandum of Points and Authorities, and the Proposed Order, served herewith,
9 and the pleadings on file herein and upon such evidence as may be presented at the
10 time of hearing.

11 **MOTION TO DISMISS**

12 Defendants bring the present motion to dismiss on the following grounds:

13 1. Causes of Action 1through 15 are grounded in claims of fraud. Such
14 claims are special matters which must be pled with particularity under
15 FRCP 9(b). Plaintiffs have not met this pleading requirement, in that
16 they have failed to allege with specificity each act of fraud, and which
17 defendant and plaintiff are implicated by such acts.

18
19 WHEREFORE, Defendants pray that its motion to dismiss the complaint on
20 file herein be granted with leave to amend.
21

22 Dated: June 3, 2022

ROEMER & HARNIK, LLP
MARY E. GILSTRAP

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25 By: Mary E. Gilstrap
26 Mary E. Gilstrap
27 Attorneys for Defendants
Marc Antoine Gagnon and
Meggie Roy
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